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Letter dated 5 January 2017 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I write to you to make clear the viewpoints regarding the letter dated 20 December 2016 from the Under-Secretary-General for Political Affairs on behalf of the former Secretary-General.

I want to begin with the conclusion that the letter does not answer my question on what are the legal grounds for the Security Council "sanctions resolutions" against the Democratic People's Republic of Korea (DPRK) regarding its nuclear tests and peaceful satellite launch.

In my letters to the former Secretary-General dated 23 May (A/70/897-S/2016/465) and 5 December 2016 (A/71/672-S/2016/1042), I questioned whether there is a single article in international law that stipulates that nuclear tests and satellite and ballistic rocket launches constitute a threat to international peace and security and that serves as the legal grounds for the Security Council "sanctions resolutions" against DPRK.

However, to my regret, the Secretariat has mentioned only Article 39 of the Charter of the United Nations without a single word in response to my question.

Article 39, which the Secretariat mentioned in the letter, cannot be the legal grounds for "sanctions resolutions", as was already discussed in the international law community.

In 1966, when the former Rhodesia declared independence from the British colonial regime, the Security Council adopted a sanctions resolution invoking Article 39 as its legal grounds for the first time in the history of the United Nations. In that regard, the international law community asserted that a declaration of independence was not a threat to the peace or a breach of the peace and labelled the adoption of the sanctions resolution as an act of abuse of power, and even the writers of the Charter clarified that they had drafted Article 39, referring to an act of aggression, not to be invoked for sanctions in peaceful times.

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If any nuclear test or satellite or ballistic rocket launch were considered a "threat to international peace and security", the Security Council should make an issue of and enforce sanctions on the United States and other countries regarding their more than 2,000 nuclear tests and ongoing regular satellite and ballistic rocket launches.

This clearly proves that Article 39 has no relation to any nuclear tests or satellite launches.

The acts by the Security Council of fabricating an unlawful and immoral "sanction resolution", imposing a blockade and going as far as including in the list of targets of sanctions even sports rifles and bullets and bows and arrows are nothing but an act against humanity and civilization, severely threatening the right to life of our people and destroying modern civilization, as well as making the whole world turn back to the medieval dark ages.

The hydrogen bomb test, nuclear warhead test and test firing of various means of strike, including intercontinental ballistic rockets, are all the full exercise of the legitimate right, as stipulated in the Charter, to self-defensive measures for deterrent power that can wipe out the source of provocation in case of the encroachment upon our sovereignty and right to survival by hostile forces.

As long as the United States and its followers keep up nuclear threats and blackmail, and as long as they do not stop their war games at our doorstep, disguising them as annual events, our self-defensive capabilities and the capability for a pre-emptive strike with nuclear armed forces as their pivot will be bolstered significantly.

I hope that the Secretariat will discharge its responsibility before the international community by considering the questions regarding the legal grounds for the "sanctions resolutions" against DPRK with deep thought and by responding with impartial answers to them in conformity with the mission of the United Nations for international peace and security as its primary one.

Furthermore, I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 61, and of the Security Council.

(*Signed*) **Ja** Song Nam
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Permanent Representative of
the Democratic People's Republic of Korea
to the United Nations